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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,750	08/13/2002	Wei Tong	839-1253A	8456

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EXAMINER

MOHANDESI, IRAJ A

ART UNIT PAPER NUMBER

2834

DATE MAILED: 05/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/064,750	<b>Applicant(s)</b> TONG, WEI	
	<b>Examiner</b> Iraj A Mohandesi	<b>Art Unit</b> 2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 August 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) 5-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 August 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                              | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                     | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election with traverse in Paper received on March, 6,2003 is acknowledged. The traversal is on the ground that "Gas shield must be searched in all three Groups". This is not found persuasive because the Gas shield in each group has patentability distinct limitations such as.

I, the diameter of group I,

II, the seal of group II

III, and the nozzles of group III. The different limitation in each group is evidence of the patentability distinct nature of each group.

2. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. **Claims 1 and 3 and 4** are rejected under 35 U.S.C. 102(b) as being anticipated by **Darby US patent 4,071,790**.

**Darby'790** discloses a turbo generator (column 2, line 64, Fig. 1) with a gas shield ( the passage 75 column 5, line 12, Fig. 1) comprising an annular ring shape body (the body between 24 and 75, Fig. 1)) an outer radially extending flange (end of the said body see, Fig. 1) terminating at first free end of a first diameter and a curved inlet portion (the curved portion of the said body Fig. 1) a substantially axial portion surrounding a center opening (see the very end of portion between 24 and 75, Fig. 1) and a curved outlet portion terminating at a second free end of a second diameter smaller than the first diameter ( see diameter at end of the body between 24, 75 , Fig. 1 ), and inherently a seal with inwardly directed seal teeth ( Fig. 1 shows a seal with teeth at the end of the gas shield " the projection between passage 24 and 75).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Darby'790** and in view of **Yoshizaki JP patent JP0029341**.

**Darby'790** discloses a turbo generator (column 2, line 64, Fig. 1) with a gas shield (the passage 75 column 5, line 12, Fig. 1) comprising an annular ring shape body (the body between 24 and 75, Fig. 1)) an outer radially extending flange (end of the said body see, Fig. 1) terminating at first free end of a first diameter and a curved inlet portion (the curved portion of the said body Fig. 1) a substantially axial portion surrounding a center opening (see the very end of portion between 24 and 75, Fig. 1) and a curved outlet portion terminating at a second free end of a second diameter smaller than the first diameter (see diameter at end of the body between 24, 75, Fig. 1), and inherently a seal with inwardly directed seal teeth (Fig. 1 shows a seal with teeth at the end of the gas shield "the projection between passage 24 and 75).

However **Darby'790** teaches all limitation of the claimed invention except only the outlet portion of the ring body is provided with plurality of holes.

**Yoshizaki JP** discloses bracket type shield (3, see abstract) having plurality of holes (8c, 10, see abstract) for the purpose of suction of cooling air.

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide **Darby'790** generator with plurality of holes was taught by **Yoshizaki JP** for the purpose of suction of cooling air.

### ***Communication***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Iraj A Mohandesi whose telephone number is (703)305-3242. The examiner can normally be reached on M-F.

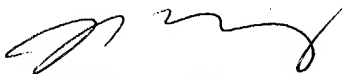
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on 703-308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9314 for regular communications and (703)872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-0377.

IM  
April 18, 2003



NESTOR RAMIREZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800